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ENGLAND IS WARNED BY THE UNITED STATES

**Message of Protest is Intended For All Members
Of the Triple Entente; American Commerce
Must Not Be Molested as in the Past, And
Modification of England's List of Articles De-
clared Contraband, Is Asked For—Other Neu-
tral Nations Will Adopt Measure Taken by
America.**

WASHINGTON, Dec. 28.—The United States government today dispatched a long note to Great Britain insisting on an early improvement in the treatment of American commerce by British fleets. It warned England that much feeling had been aroused in this country and that public criticism was general over unwarranted interference with the legitimate foreign trade of the United States.

The document, constituting the strongest representation on the subject made by the United States to any of the belligerents, was cabled to Ambassador Page to be formally presented to Sir Edward Grey, the British Foreign secretary. Its preparation was begun a month ago by Solicitor General Johnson, Counselor Robert Lansing and Secretary Bryan, and during the last two weeks had the personal attention of President Wilson, who revised its phraseology with minutecare.

Relations Objectionable.

As the detailed point of view of the United States in the numerous specific cases of detention and seizures of cargoes had been set forth in a series of emphatic protests, most of which have gone unheeded, today's communication was couched in general terms covering the entire subject of the relations between the United States and Great Britain as affected by the latter's naval policy, considered highly objectionable to this government.

The note declares at the outset that the representations are made in a friendly spirit, but that the United States considers it best to speak in terms of frankness lest silence be construed as an acquiescence to a policy of Great Britain which infringes the rights of American citizens under the laws of the nation.

Applied to All.
Since France has adopted virtually the same decrees on contraband as has Great Britain, today's note is a statement intended for all members of the Triple Entente.

The document points out that complaints on every side and public criticisms in the United States hold the British policy as directly responsible for the depression in many American industries. Reimbursement alone for cargoes unlawfully detained or seized, it states, does not remedy the evil, as the chief difficulty is the moral effect on American exports, who are restrained from taking risks of hazards which in no case ought to surround legitimate trade between the United States and other neutral countries.

Will Protect Citizens.

Feeling has been aroused on the subject to such an extent, the communication adds, that the American government feels compelled to ask for definite information as to Great Britain's attitude in order that it may take such measures as would protect American citizens in their rights.

Patience Is Abused.

The United States, it points out, was

patient at first, realizing that hostilities had heaped a mass of burdens on the British government and thinking an early adjustment of the situation would come. Five months have elapsed, it asserts, with no improvement in the situation. In the meantime, American shippers have availed themselves of various suggestions from the British government, such as shipping cargoes to definitely named consignees in neutral countries and the taking out of certificates from consuls in this country which followed promises of the British foreign office that the allied fleets consequently would cease detentions of these cargoes. The situation, however, is described as having hardly improved after these concessions.

Reference is made in the note to the high principles of equity which have actuated Great Britain in her championship in the past of the freedom of the seas to neutral commerce, and the hope is expressed that even though a belligerent herself, she will realize the seriousness to the neutral of continued interference.

Concerning Contraband.

Reserving until some other date the discussion of those articles which Great Britain has taken from the generally accepted lists of non-contraband and placed on the lists of absolute and conditional contraband, the American government declares that the British fleets have been regarding absolute and conditional contraband as in the same class, whereas international law defines absolute contraband as consisting of those articles intended directly for the use of any army, and conditional contraband those articles susceptible of use by armed forces, but whose destination must be the determining factor in detentions.

Foodstuffs Not Contraband.

The American note, mentioning here that foodstuffs are conditional contraband since they may be destined for the use of a civil population as well as an army, says the United States is in entire agreement with the doctrine expressed by Lord Salisbury, British foreign secretary, in his correspondence with the Washington government concerning the shipment of foodstuffs to the Transvaal during the Boer war in South Africa. Lord Salisbury wrote then:

"Foodstuffs, with a hostile destination, can be considered contraband of war only if they are supplies for an enemy's forces. It is not sufficient that they are capable of being so used; it must be shown that this was in fact their destination at the time of seizure."

This is perhaps the most far-reaching declaration of the American note, since if it were accepted by Great Britain, American trade with Germany and Austria, virtually at a standstill now, would be resumed, affecting the prices of wheat, flour, live-

(CONTINUED ON PAGE FOUR.)

COLDER WEATHER IS PREDICTED

**Another Blizzard is Scheduled to
Hit the South
Shortly.**

(By Associated Press.)

WASHINGTON, Dec. 28.—A flare-back from the cold waves that passed today was sweeping southward tonight through Illinois, the Great Lakes temperatures down along the coast by States and the Ohio Valley to the Atlantic coast. It is expected to drive Wednesday.

Forecasters at the weather bureau said the latest disturbance was attended by increased cloudiness affecting the middle western States from the border to the South Atlantic and Gulf States and was causing material reductions in temperatures throughout those sections.

Proceeding the arrival of the cold weather was predicted that temperatures would rise tomorrow throughout the Atlantic States.

Storm warnings were ordered displayed on the Gulf coast from Galveston to Pensacola.

THAW WILL STAY LONG AS POSSIBLE

**Harry Seems to Like the Climate
or Something in New
Hampshire.**

MANCHESTER, N. H., Dec. 28.—Harry K. Thaw intends to remain in New Hampshire as long as possible, his secretary said tonight. The statement answered a question as to what steps Thaw was contemplating in view of the recent supreme court decision that he should be turned over to the New York authorities to answer an indictment charging conspiracy to escape from Matteawan.

How much longer the fugitive's stay here might be, the secretary declined to estimate. There have been no developments, he added, and none of Thaw's leading counsel is expected to visit him for the present. Thaw's mother, who has been spending the Christmas holidays with him, left today for Pittsburgh.

LONDON EXPECTS GERMAN ZEPPELINS

**Populace Is Warned to Stay
Under Shelter For
Safety.**

(By Associated Press.)

LONDON, Dec. 28.—(7:55 p. m.)—The British official press bureau this evening made the following announcement:

"The naval and military authorities call the attention of persons using the streets to the danger from fragments of shells and from bullets used in the guns against hostile aircraft attempting a raid on London."

"The civil population are warned to keep under cover, preferably in basements, upon hearing the sound of firing by guns or of explosives."

PRESIDENT WILSON IS CONGRATULATED

**Head of Nation Quietly Observes
His Fifty-Eighth
Birthday.**

(By Associated Press.)

WASHINGTON, Dec. 28.—President Wilson tonight began receiving messages from foreign rulers congratulating him on his 58th birthday anniversary. The first to arrive were from King George, of Great Britain, and President Estrada Cabrera, of Guatemala.

Led by Secretary Bryan, the president's cabinet called at the White House during the evening. Because of the cancellation of all state dinners and receptions after Mrs. Wilson's death, this gathering was the nearest approach to a social affair held in the White House for many months.

Among the messages received were several from parents of children named for the president because their birth anniversaries were the same as his. Mr. Wilson usually answers such messages personally.

DECISION DEFERRED

**Plan to Organize Cotton Exchange
Clearing House Not Definitely
Decided on.**

(By Associated Press.)

NEW YORK, Dec. 28.—Final decision on the plan to organize a cotton exchange clearing house in this city was deferred at a meeting today of members of the New York cotton exchange, although most of the members present favored the proposal.

Action will not be taken until all members are given an opportunity to express their views on the question.

GERMANY SENDS NOTIFICATION

**CONSULS MUST BE ACCEPTABLE
TO GERMANY**

IS IMPERSONAL

**Similar Requests Have Been Sent
to Other Neutral Na-
tions.**

WASHINGTON, Dec. 28.—Germany has notified the American state department that American consuls in Belgium must be acceptable to the German military authorities, it was learned today. The notification also said it was desirable that some of the American consuls in Belgium be withdrawn for the present, at least.

Secretary Bryan declined to make public the text of the German communication or to comment upon it until he had full opportunity to consider it. The understanding in official circles, however, is that the notice is similar to the one sent Argentina and other neutral countries, and that, while the German government does not insist that consuls in Belgium take out new exequaturs from German officials, it announces that such consuls must exercise their functions only by permission from the military authorities in control of the territory in which the consulate is situated.

The United States has consular representatives only in Brussels, Antwerp, Liege and Ghent, and since the war began they have had little work of the ordinary character to do. Their activities have been devoted largely to looking after refugees and aiding in relief work.

Military Laws.

The request for the withdrawal of certain consuls is said to be entirely impersonal, and to be based upon the law of military necessity which recognizes the right of a military officer in command of occupied territory to dictate absolutely the amount and extent of civil business and the manner in which it shall be conducted in that territory.

The disposition of the department apparently is to recognize the right of the authorities of a captured territory to prescribe at least temporary conditions under which consuls shall discharge their duties, and it is contended this can be done without in any way committing the United States to a political recognition of the right of the military occupant of a territory to its possession.

Regarding the withdrawal of consuls from certain points, under color of military necessity, it is said that there need be no actual interruption of commerce in consequence, because under American consular regulations in the absence of a consul two reputable merchants may render an acceptable certificate to an invoice of goods.

Japan's Follow Suit.

The Japanese government already has intimated its objection to the presence of foreign consuls in the territory of Kiao-Chow, recently captured from the Germans. Several applications have come to the state department from mercantile interests urging the return of American Consul Peck to Taire-Tau, but in the face of Japanese opposition and in the knowledge of the fact that the order of exclusion runs against consuls of all nations alike, the state department has not felt called upon to force an issue by ordering the return of Mr. Peck to his post.

M. Havenith, the Belgian minister, called at the state department today after the German notice had been received. Later he issued this statement:

"The Belgian minister has been in-

(CONTINUED ON PAGE SIX.)

MORE PARDONS

(By Associated Press.)

COLUMBIA, Dec. 28.—Forty-four state prisoners, including ten serving life sentences for murder, were granted clemency today by Governor Blewett, making the total number liberated by him in the last four years, 1,488. One of the life-term prisoners was pardoned, and the other nine paroled. Twenty-three of the prisoners in all were serving sentences for homicide.

One of the paroled men, Charles O'Day, alias Charles Cross, was released on condition that he be re-arrested by federal officers on the charge of robbing the Gordonville, Va., postoffice several years ago. O'Day was arraigned before a United States commissioner late today and held for a preliminary hearing.

O'Day was serving a sentence for 15 years for robbery. He was convicted in 1905, together with John Fisher, who escaped from the state penitentiary here a year ago.

OFFICIAL ACCUSED OF SERIOUS CRIME

**Hides Behind Authority of Office
He Holds as Foreign Repre-
sentative.**

(By Associated Press.)

SAN FRANCISCO, Dec. 28.—Fernando Somoza Vivas, consul general here of Honduras, was arrested today on a charge of arson. He had been under police surveillance since last night when firemen are said to have found that his burning house had been liberally sprinkled with oil and turpentine.

Bureau drawers in the bed room were found filled with paper saturated in oil; carpets had been sprinkled with inflammables; holes had been cut through the ceilings of closets for flues, and streamers tied from the rafters to guide the flames, it is alleged.

Vivas was found partially clad on the sidewalk shortly after the firemen arrived. At police headquarters he asserted his consular position as the representative of a foreign nation made him immune from prosecution.

EVERYTHING QUIET IN PHILIPPINES

**Officials Take the View, That
"No News" Is "Good
News."**

WASHINGTON, Dec. 28.—With no additional advice from the Philippines, war department officials tonight expressed the opinion that the recent disturbances there, which they decline to call an uprising, was a closed incident, fully explained in the report cabled yesterday by Governor-General Harrison.

One official said the report did not disclose more serious disorders than might be found in any city the size of Manila in this country.

Emphasis also was laid on the fact that propaganda leading to the trouble was fathered by the exiled Ricarte and equally irresponsible leaders in the islands.

ENTIRE FAMILY IS BURNED IN HOME

**Husband, Wife and Three Children
of Retired Capitalist
Meet Awful Death.**

WINTERHAVEN, Fla., Dec. 28.—Harry Alvey, a retired capitalist of Baltimore, Md., his wife, and three children lost their lives when their winter home near here was burned early today. The charred bodies of the victims were found together in the ruins of what had been the children's room. The origin of the fire has not been determined.

FREDERICK, Md., Dec. 28.—Alvey was the son of former Chief Judge Richard H. Alvey, of the Maryland court of appeals. Mrs. Alvey, before her marriage, was Miss Bertha Keyser, well known in Baltimore society. The Alveys went to Florida to live about three years ago.

METROPOLITAN CO. CHANGES METHODS

**By Vote of Policy Holders; Con-
trol of Company Changes
Hands.**

(By Associated Press.)

NEW YORK, Dec. 28.—Mutualization of the Metropolitan Life Insurance Company was endorsed by policyholders here today. Only about 1,600 voted against the plan, while 65,000 gave their approval. Most of the votes were by proxy.

Mutualization already had been approved by stockholders and directors. If the state superintendent of insurance approves the proposal, control of the company will pass into the hands of the policyholders, who will elect a board of directors.

COMMITTED SUICIDE.

**Ship's Captain Jumps Overboard and
Is Lost.**

KEY WEST, Fla., Dec. 28.—The British steamship Cragoswald, bound from Hull, England, for New Orleans, reported to Sandy Key this afternoon that the ship's captain jumped overboard early today and was drowned. The captain's name was not given. The British vice consul here has been notified of the incident.

Shaw-Kay.

Miss Leola Shaw and Mr. Ernest Cleveland Kay were married Sunday by the Rev. H. C. Martin at the minister's residence. The groom is an employee of the Sullivan Hardware Company's branch store at Belton. The bride was a resident of the Union Grove section, and well known and popular in the community.

LEO M. FRANK IS GIVEN CHANCE FOR FREEDOM

**Justice Lamar of the Supreme Bench Grants Ap-
peal in the Case of Leo M. Frank, Charged
With the Murder of Mary Phagan the Four-
teen Year Old Factory Girl in April of 1913.
For Which He Is Under Sentence of Death.
Technicalities May Mean Ultimate Freedom of
The Condemned Man.**

WASHINGTON, Dec. 28.—Justice Lamar, of the United States supreme court, today granted an appeal for the refusal of the federal district court for northern Georgia to release on habeas corpus proceedings Leo M. Frank under death sentence for the murder of Mary Phagan, at Atlanta.

Frank has been sentenced to be hanged January 22, but Justice Lamar's action causes a stay of execution. Thirty days are given for the record of the proceedings in the lower court to be filed in the supreme court here. The State of Georgia then may ask that the hearing of the case be advanced. Some suggestions generally are granted.

As a result of Justice Lamar's action today the entire court will pass upon Frank's right to seek release from custody on a writ of habeas corpus on the ground that the trial court in Fulton county, Georgia, lost jurisdiction over him by its failure to have him present when the jury returned its verdict.

Should the supreme court decide Frank was not entitled to the benefit of the habeas corpus writ, the State of Georgia would no longer be barred from carrying out the death sentence. If the court decides he was entitled to ask for the writ, the case probably would be remanded to the district court for the taking of evidence on the petition praying for the writ.

May Mean Freedom.

Should the supreme court eventually decide that Frank must be released from custody, it was said, a further question, about which there is uncertainty, would arise as to the power of the State to indict and try him a second time. It is said authorities differ as to whether the first trial would be regarded as having placed Frank in "jeopardy."

This was the second time Frank's fate has rested in Justice Lamar's hands. After the Georgia supreme court had decided to set aside the verdict of conviction, Justice Lamar was asked to issue a writ of error for the supreme court to review the case. He declined on the ground that no federal question was presented, inasmuch as questions of procedure were for the States to decide. Justice Holmes, and eventually the entire court, pursued the same course.

Reason for Refusal.

Application was then made in the Georgia federal court for Frank's release on a writ of habeas corpus. Judge Newman held Frank was not entitled to the writ and refused to grant an appeal to the supreme court because he was unwilling to issue a certificate of "probable cause" as required in such appeals by a federal statute of 1908.

Justice Lamar was then asked to grant the appeal and issue the certificate. He found that several questions of federal law, unsettled by the supreme court, existed in the case, and hence gave it the "probable cause" for the appeal. These were whether

On the Firing Line In Battling Europe

(By Associated Press.)

LONDON, Dec. 28.—(11 p. m.)—The battle lines in the east and west have undergone few changes in the past day. French and German reports agree that the Germans have captured a section of trenches near Holbeke, south of Ypres. The French assert that the Germans gave up trenches on the first line, to the extent of about 500 or 600 yards in the Lens region, farther east, while unsuccessful demonstrations have been made from both sides at various points along the extended lines.

The reports of the numbers of wounded both armies are sending back from the lines in Belgium appear to show that the fighting on Christmas in that country was the fiercest of the past month. Correspondents in the rear say the Belgians, as a result of five days sniping, captured nearly 3,000 Germans with only small losses to themselves.

According to Russian reports, German attempts to capture Warsaw have failed, while the Berlin official statement says there is general confidence that the German and Austro-Hungarian forces are making progress along the great front.

French newspapers are enthusiastic over the raid by British cruisers and seaplanes on Cuxhaven. They consid-

the federal constitution requires an accused to be present when a verdict is returned against him in a State court; the effect of the accused not raising the point of his absence on a motion for a new trial, and the effect of the supreme court's own action in refusing to grant the writ of error in a case where an alleged jurisdictional question was presented in a motion filed at a time not authorized by the practice of the State where the trial took place.

Why Writ Was Denied.

Justice Lamars complete statement in explanation of his course in granting the appeal follows:

"Leo Frank's recent application for a writ of error was denied by me on the ground that no federal question was involved in the ruling of the supreme court of Georgia that his motion to set aside the verdict finding him guilty of murder had been filed too late. This petition presents a wholly different question since it is an application of an appeal from the judgment of a federal court on a record which presents a purely federal question, irrespective of regulations governing State practice."

Many Allegations Made.

"Frank's petition for the writ of habeas corpus, addressed to the judge of the United States district court for the northern district of Georgia, alleges that on his trial for murder in the superior court of Fulton county, Georgia, public feeling against him was so great that the presiding judge advised his counsel not to have him present in the court room when the verdict was returned, and that his involuntary absence, under such circumstances, when the verdict was returned, deprived him of a hearing to which he was entitled under the constitution and rendered his conviction void. He avers that his motion for a new trial was overruled as he then moved to set aside the verdict as being void for want of jurisdiction; that in passing on that motion the State supreme court held that while he had the constitutional right to be present when the verdict against him was returned into the court, yet such verdict could not be attacked, by a motion to set aside, after the expiration of the trial term and after his motion for a new trial had been finally refused. He alleges that his attempt to have that judgment reviewed in the supreme court of the United States failed because, though a federal question was raised in the record, the decision of the supreme court of Georgia was based on a matter of State practice."

"He therefore filed this petition for a writ of habeas corpus in which he claims that the right to be present at the rendition of the verdict was jurisdictional and that on habeas corpus he is entitled to a hearing on the question as to whether he had waived or could waive his constitutional right

(Continued on Page Four.)

er improbable the German statement that, although ships at Cuxhaven and the gas works were hit by bombs, no damage was done.

Some writers argue that if Cuxhaven can thus be attacked, why not Heligoland, Wilhelmshaven and even the Kiel Canal?

The only damage the British expedition sustained was the loss of several hydroplanes, while Commander Hewlett was the only person who lost his life.

The British people are losing whatever fear of the Zepplins they held, perhaps prematurely, but the exploits of the airmen on the continent and the scouting trip of the German flyer over Kent on Christmas show there is a strong possibility that the terrors may repeat over London the visit with bombs which they paid over Paris and Warsaw.

The authorities issued a warning tonight of the danger to people in the streets from gas which may be used in London against hostile aircraft and advised the people to take refuge in basements if they heard the sound of explosives or guns.

A heavy windstorm with rain and snow swept over parts of England and adjacent waters tonight, and there probably is suffering for the sailors on duty on the smaller craft off the coast.

Nothing Alarming In Mexican Situation

(By Associated Press.)

WASHINGTON, Dec. 28.—Dispatches from the Brazilian minister in Mexico City dated there early today and received here tonight described the political situation as full of uncertainties. The minister referred to the lack of harmony between the several chiefs, but indicated that nothing alarming had developed and that good order was being preserved.

From its own agents also the state department was advised that friction existed between the Zapata and Gutierrez-Villa factions, chiefly over Zapata's desire to execute many former federal officers. At present a decree issued by General Gutierrez suspending all executions pending a fair trial is in effect. The Gutierrez-Villa element holds the officers should be given a trial and be represented by counsel, but the Zapataists are understood to desire their summary extermination.

The United States government is endeavoring to obtain a general amnesty and while no promises have been made that recognition will follow, the Mexican factions understand that unless a humanitarian course toward their opponents is pursued recognition will be withheld. The United States has indicated clearly that it will look with disfavor on continued executions and its remonstrance is believed to have been largely responsible for the Gutierrez decree.

The following summary of dispatch-

es from Mexico was issued by the state department:

"Latest information received indicates that quiet prevails along the entire west coast of Mexico."

"A mail dispatch from Vera Cruz under date of December 13 reports that roving bands have been pillaging in various parts of the state of Vera Cruz."

A mail dispatch from Guadaluajara, dated December 15, states that the Carranzista authorities have made Ciudad Guzman the capital of the state of Jalisco. Another dispatch, under date of December 17, reports that the city of Guadaluajara is quiet and in the hands of Villa forces.

"The department has been informed officially that Maytorena has withdrawn his forces from the trenches heretofore occupied (at Naco), burning his shelters. He is reported to have gone eight kilometers south."

"Consul Simplich reports from Nogales, Ariz., that telegraph communication with Hermosillo and Cananea is interrupted. He also reports heavy losses in the state of Sonora to railways and other property by floods."

"Consul Canada at Vera Cruz telegraphs under date of December 26 that Carranza's foreign office claims to have no knowledge of the reported arrest at Vera Cruz of Doctor Villareal, of the Mexican Red Cross. The consuls at Dr. Villareal's present whereabouts are unknown."